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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,918	08/22/2003	Young-Sc Kim	678-1252	1945
28249	7590	11/28/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			NGUYEN, HUY D	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/646,918	Applicant(s) KIM, YOUNG-SE	
	Examiner Huy D. Nguyen	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eromaki et al. (U.S. Patent No. 6,748,249) in view of Nguyen et al. (US 2003/0103041 A1).

Regarding claims 1 and 6, Eromaki et al. teaches a portable digital communication device comprising: a main housing provided with a display unit (e.g., DPL1 – see figures 2, 4-5) on a top surface thereof; a first key pad (e.g., KB1 – see figures 2, 5) being capable of sliding on the top surface of the main housing in a first direction relative to the display unit so as to open and close a first side of the display unit (see figures 2 and 5). Eromaki et al. does not specifically teach a second key pad being capable of sliding on the top surface of the main housing in a second direction relative to the display unit so as to open and close a second side of the display unit and being capable of sliding toward and away from the first key pad. However, the preceding limitation is taught in Nguyen et al. (see figures 1 and 2, the abstract, claims 1, 2, and 16). It would have been obvious to one having ordinary skill in the art at the time the invention

was made to apply the teaching of Nguyen et al. to the teaching of Eromaki et al. to provide an adjustable form factor for handheld devices that provides functionality in both extended and compact forms.

Regarding claim 2, Eromaki et al. teaches the portable digital communication device according to claim 1, wherein the display unit is located in an intermediate portion of the top surface of the main housing (see figures 2-12).

Regarding claim 5, Eromaki et al. teaches the portable digital communication device according to claim 1, wherein the first key pad further comprises a microphone on the top surface thereof, and the second key pad is provided with a speaker on the top surface thereof (see column 2, lines 56-58).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eromaki et al. (U.S. Patent No. 6,748,249) in view of Nguyen et al. (US 2003/0103041 A1) and in further view of Humphreys et al. (US 2003/0143961 A1).

Regarding claim 3, Eromaki et al. in view of Nguyen et al. teaches the claimed invention except the main housing comprises: at least one functional key located on a side surface thereof; a headphone jack and a volume adjusting button mounted on a side surface thereof; and a battery pack disposed on a bottom surface thereof. However, the preceding limitations are taught in Humphreys et al. (see figure 1 and paragraphs [0028], [0029]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Humphreys et al. to the teaching of Eromaki et al. in view of Nguyen et al. for enclosing the internal components of a mobile device that is economical, ergonomic, and to provide reasonable

environmental protection while does not unduly increasing the size, weight, and ease of use of the device.

***Allowable Subject Matter***

5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Regarding claim 4, Miyake et al. (US 2002/0065102 A1) teaches a portable telephone that has a cylindrical lens housing and a shutter, the cylindrical lens housing having a camera (paragraphs [0049], [0056]). However, Eromaki et al., Nguyen et al., Humphreys et al., and Miyake et al., either singularly or in combination, fail to teach that the cylindrical lens housing having a camera lens exposed between a side surface of the main housing and a bottom surface of the main housing, the main housing having a rotation axis which is parallel to and spaced a predetermined distance from a virtual plane on which the first and second key pads linearly move, the camera lens being rotatably mounted between the side surface and the bottom surface.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Huy D Nguyen  
Patent Examiner  
Art Unit 2617